

1 AN ACT in relation to public aid.

2 Be it enacted by the People of the State of Illinois,
3 represented in the General Assembly:

4 Section 5. The Illinois Public Aid Code is amended by
5 changing Section 5-2 as follows:

6 (305 ILCS 5/5-2) (from Ch. 23, par. 5-2)

7 Sec. 5-2. Classes of Persons Eligible. Medical
8 assistance under this Article shall be available to any of
9 the following classes of persons in respect to whom a plan
10 for coverage has been submitted to the Governor by the
11 Illinois Department and approved by him:

12 1. Recipients of basic maintenance grants under Articles
13 III and IV.

14 1.5. Noncustodial parents of children in families that
15 receive basic maintenance grants under Article IV, to the
16 extent that the noncustodial parents are defined as part of
17 the family for purposes of this Section by the Department of
18 Human Services. The obligation of noncustodial parents to
19 meet a spend-down requirement shall be calculated according
20 to the income and other circumstances in the noncustodial
21 parent's own household.

22 2. Persons otherwise eligible for basic maintenance
23 under Articles III and IV but who fail to qualify thereunder
24 on the basis of need, and who have insufficient income and
25 resources to meet the costs of necessary medical care,
26 including but not limited to the following:

27 (a) All persons otherwise eligible for basic
28 maintenance under Article III but who fail to qualify
29 under that Article on the basis of need and who meet
30 either of the following requirements:

31 (i) their income, as determined by the

1 Illinois Department in accordance with any federal
2 requirements, is equal to or less than 70% in fiscal
3 year 2001, equal to or less than 85% in fiscal year
4 2002, and equal to or less than 100% in fiscal year
5 2003 and thereafter of the nonfarm income official
6 poverty line, as defined by the federal Office of
7 Management and Budget and revised annually in
8 accordance with Section 673(2) of the Omnibus Budget
9 Reconciliation Act of 1981, applicable to families
10 of the same size; or

11 (ii) their income, after the deduction of
12 costs incurred for medical care and for other types
13 of remedial care, is equal to or less than 70% in
14 fiscal year 2001, equal to or less than 85% in
15 fiscal year 2002, and equal to or less than 100% in
16 fiscal year 2003 and thereafter of the nonfarm
17 income official poverty line, as defined in item (i)
18 of this subparagraph (a).

19 (b) All persons who would be determined eligible
20 for such basic maintenance under Article IV by
21 disregarding the maximum earned income permitted by
22 federal law.

23 3. Persons who would otherwise qualify for Aid to the
24 Medically Indigent under Article VII.

25 4. Persons not eligible under any of the preceding
26 paragraphs who fall sick, are injured, or die, not having
27 sufficient money, property or other resources to meet the
28 costs of necessary medical care or funeral and burial
29 expenses.

30 5. (a) Women during pregnancy, after the fact of
31 pregnancy has been determined by medical diagnosis, and
32 during the 60-day period beginning on the last day of the
33 pregnancy, together with their infants and children born
34 after September 30, 1983, whose income and resources are

1 insufficient to meet the costs of necessary medical care
2 to the maximum extent possible under Title XIX of the
3 Federal Social Security Act.

4 (b) The Illinois Department and the Governor shall
5 provide a plan for coverage of the persons eligible under
6 paragraph 5(a) by April 1, 1990. Such plan shall provide
7 ambulatory prenatal care to pregnant women during a
8 presumptive eligibility period and establish an income
9 eligibility standard that is equal to 133% of the nonfarm
10 income official poverty line, as defined by the federal
11 Office of Management and Budget and revised annually in
12 accordance with Section 673(2) of the Omnibus Budget
13 Reconciliation Act of 1981, applicable to families of the
14 same size, provided that costs incurred for medical care
15 are not taken into account in determining such income
16 eligibility.

17 (c) The Illinois Department may conduct a
18 demonstration in at least one county that will provide
19 medical assistance to pregnant women, together with their
20 infants and children up to one year of age, where the
21 income eligibility standard is set up to 185% of the
22 nonfarm income official poverty line, as defined by the
23 federal Office of Management and Budget. The Illinois
24 Department shall seek and obtain necessary authorization
25 provided under federal law to implement such a
26 demonstration. Such demonstration may establish resource
27 standards that are not more restrictive than those
28 established under Article IV of this Code.

29 6. Persons under the age of 18 who fail to qualify as
30 dependent under Article IV and who have insufficient income
31 and resources to meet the costs of necessary medical care to
32 the maximum extent permitted under Title XIX of the Federal
33 Social Security Act.

34 7. Persons who are 18 years of age or younger and would

1 qualify as disabled as defined under the Federal Supplemental
2 Security Income Program, provided medical service for such
3 persons would be eligible for Federal Financial
4 Participation, and provided the Illinois Department
5 determines that:

6 (a) the person requires a level of care provided by
7 a hospital, skilled nursing facility, or intermediate
8 care facility, as determined by a physician licensed to
9 practice medicine in all its branches;

10 (b) it is appropriate to provide such care outside
11 of an institution, as determined by a physician licensed
12 to practice medicine in all its branches;

13 (c) the estimated amount which would be expended
14 for care outside the institution is not greater than the
15 estimated amount which would be expended in an
16 institution.

17 8. Persons who become ineligible for basic maintenance
18 assistance under Article IV of this Code in programs
19 administered by the Illinois Department due to employment
20 earnings and persons in assistance units comprised of adults
21 and children who become ineligible for basic maintenance
22 assistance under Article VI of this Code due to employment
23 earnings. The plan for coverage for this class of persons
24 shall:

25 (a) extend the medical assistance coverage for up
26 to 12 months following termination of basic maintenance
27 assistance; and

28 (b) offer persons who have initially received 6
29 months of the coverage provided in paragraph (a) above,
30 the option of receiving an additional 6 months of
31 coverage, subject to the following:

32 (i) such coverage shall be pursuant to
33 provisions of the federal Social Security Act;

34 (ii) such coverage shall include all services

1 covered while the person was eligible for basic
2 maintenance assistance;

3 (iii) no premium shall be charged for such
4 coverage; and

5 (iv) such coverage shall be suspended in the
6 event of a person's failure without good cause to
7 file in a timely fashion reports required for this
8 coverage under the Social Security Act and coverage
9 shall be reinstated upon the filing of such reports
10 if the person remains otherwise eligible.

11 9. Persons with acquired immunodeficiency syndrome
12 (AIDS) or with AIDS-related conditions with respect to whom
13 there has been a determination that but for home or
14 community-based services such individuals would require the
15 level of care provided in an inpatient hospital, skilled
16 nursing facility or intermediate care facility the cost of
17 which is reimbursed under this Article. Assistance shall be
18 provided to such persons to the maximum extent permitted
19 under Title XIX of the Federal Social Security Act.

20 10. Participants in the long-term care insurance
21 partnership program established under the Partnership for
22 Long-Term Care Act who meet the qualifications for protection
23 of resources described in Section 25 of that Act.

24 11. Persons with disabilities who are employed and
25 eligible for Medicaid, pursuant to Section
26 1902(a)(10)(A)(ii)(xv) of the Social Security Act, as
27 provided by the Illinois Department by rule.

28 The Illinois Department and the Governor shall provide a
29 plan for coverage of the persons eligible under paragraph 7
30 as soon as possible after July 1, 1984.

31 The eligibility of any such person for medical assistance
32 under this Article is not affected by the payment of any
33 grant under the Senior Citizens and Disabled Persons Property
34 Tax Relief and Pharmaceutical Assistance Act or any

1 distributions or items of income described under subparagraph
2 (X) of paragraph (2) of subsection (a) of Section 203 of the
3 Illinois Income Tax Act. The Department shall by rule
4 establish the amounts of assets to be disregarded in
5 determining eligibility for medical assistance, which shall
6 at a minimum equal the amounts to be disregarded under the
7 Federal Supplemental Security Income Program. The amount of
8 assets of a single person to be disregarded shall not be less
9 than \$2,000, and the amount of assets of a married couple to
10 be disregarded shall not be less than \$3,000.

11 To the extent permitted under federal law, any person
12 found guilty of a second violation of Article VIII A shall be
13 ineligible for medical assistance under this Article, as
14 provided in Section 8A-8.

15 The eligibility of any person for medical assistance
16 under this Article shall not be affected by the receipt by
17 the person of donations or benefits from fundraisers held for
18 the person in cases of serious illness, as long as neither
19 the person nor members of the person's family have actual
20 control over the donations or benefits or the disbursement of
21 the donations or benefits.

22 (Source: P.A. 91-676, eff. 12-23-99; 91-699, eff. 7-1-00;
23 91-712, eff. 7-1-00; revised 6-26-00.)

24 Section 99. Effective date. This Act takes effect upon
25 becoming law.